FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7015 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. P.S. Dani for the petitioner.

CORAM : R.S. MOHITE,J.
DATED : 24.11.2005.

P.C.

1. This petition impugns an order refusing to appoint D.I.L.R. as Court Commissioner. It appears from the impugned order that earlier the Court Commissioner was appointed and he has submitted his report which is on record in the suit. The original plaintiff has filed another application saying that the report was incorrect and sought appointment of the D.I.L.R. as second Court Commissioner. This prayer was rejected by the trial court on the ground that there was no material to show that the earlier report was wrong. The proper course is to file objection

to the report of the Court Commissioner, if plaintiff desires. It is also open to the plaintiff to get the land measured through the D.I.L.R. or his subordinate survey officer under the statutory provisions and then to establish his case by examining the concerned officer who measures the land. In this view of the matter, no prejudice will be caused to the respondent and no fault can be found in the impugned order. Petition is rejected.

(R. S. MOHITE, J.)